

PREVAILED

Roll Call No. \_\_\_\_\_

FAILED

Ayes \_\_\_\_\_

WITHDRAWN

Noes \_\_\_\_\_

RULED OUT OF ORDER

## HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 1695 be amended to read as follows:

- 1       Page 1, between the enacting clause and line 1, begin a new  
2 paragraph and insert:  
3       "SECTION 1. IC 4-33-13-5 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) This subsection  
5 does not apply to tax revenue remitted by an operating agent operating  
6 a riverboat in a historic hotel district. After funds are appropriated  
7 under section 4 of this chapter, each month the treasurer of state shall  
8 distribute the tax revenue deposited in the state gaming fund under this  
9 chapter to the following:  
10       (1) The first thirty-three million dollars (\$33,000,000) of tax  
11 revenues collected under this chapter shall be set aside for revenue  
12 sharing under subsection (e).  
13       (2) Subject to subsection (c), twenty-five percent (25%) of the  
14 remaining tax revenue remitted by each licensed owner shall be  
15 paid:  
16       (A) to the city that is designated as the home dock of the  
17 riverboat from which the tax revenue was collected, in the case  
18 of:  
19       (i) a city described in IC 4-33-12-6(b)(1)(A); or  
20       (ii) a city located in a county having a population of more  
21 than four hundred thousand (400,000) but less than seven  
22 hundred thousand (700,000); or  
23       (B) to the county that is designated as the home dock of the  
24 riverboat from which the tax revenue was collected, in the case  
25 of a riverboat whose home dock is not in a city described in

1 clause (A).

2 (3) Subject to subsection (d), the remainder of the tax revenue  
3 remitted by each licensed owner shall be paid to the property tax  
4 replacement fund. In each state fiscal year beginning after June  
5 30, 2003, the treasurer of state shall make the transfer required by  
6 this subdivision not later than the last business day of the month  
7 in which the tax revenue is remitted to the state for deposit in the  
8 state gaming fund. However, if tax revenue is received by the state  
9 on the last business day in a month, the treasurer of state may  
10 transfer the tax revenue to the property tax replacement fund in  
11 the immediately following month.

12 (b) This subsection applies only to tax revenue remitted by an  
13 operating agent operating a riverboat in a historic hotel district. After  
14 funds are appropriated under section 4 of this chapter, each month the  
15 treasurer of state shall distribute the tax revenue deposited in the state  
16 gaming fund under this chapter as follows:

17 (1) Thirty-seven and one half percent (37.5%) shall be paid to the  
18 property tax replacement fund established under IC 6-1.1-21.

19 (2) Thirty-seven and one-half percent (37.5%) shall be paid to the  
20 West Baden Springs historic hotel preservation and maintenance  
21 fund established by IC 36-7-11.5-11(b). However, at any time the  
22 balance in that fund exceeds twenty million dollars (\$20,000,000),  
23 the amount described in this subdivision shall be paid to the  
24 property tax replacement fund established under IC 6-1.1-21.

25 (3) Five percent (5%) shall be paid to the historic hotel  
26 preservation commission established under IC 36-7-11.5.

27 (4) Ten percent (10%) shall be paid in equal amounts to each town  
28 that:

29 (A) is located in the county in which the riverboat docks; and

30 (B) contains a historic hotel.

31 The town council shall appropriate a part of the money received  
32 by the town under this subdivision to the budget of the town's  
33 tourism commission.

34 (5) Ten percent (10%) shall be paid to the county treasurer of the  
35 county in which the riverboat is docked. The county treasurer  
36 shall distribute the money received under this subdivision as  
37 follows:

38 (A) Twenty percent (20%) shall be quarterly distributed to the  
39 county treasurer of a county having a population of more than  
40 thirty-nine thousand six hundred (39,600) but less than forty  
41 thousand (40,000) for appropriation by the county fiscal body  
42 after receiving a recommendation from the county executive.

43 The county fiscal body for the receiving county shall provide  
44 for the distribution of the money received under this clause to  
45 one (1) or more taxing units (as defined in IC 6-1.1-1-21) in  
46 the county under a formula established by the county fiscal  
47 body after receiving a recommendation from the county

- 1 executive.
- 2 (B) Twenty percent (20%) shall be quarterly distributed to the
- 3 county treasurer of a county having a population of more than
- 4 ten thousand seven hundred (10,700) but less than twelve
- 5 thousand (12,000) for appropriation by the county fiscal body
- 6 after receiving a recommendation from the county executive.
- 7 The county fiscal body for the receiving county shall provide
- 8 for the distribution of the money received under this clause to
- 9 one (1) or more taxing units (as defined in IC 6-1.1-1-21) in
- 10 the county under a formula established by the county fiscal
- 11 body after receiving a recommendation from the county
- 12 executive.
- 13 (C) Sixty percent (60%) shall be retained by the county where
- 14 the riverboat is docked for appropriation by the county fiscal
- 15 body after receiving a recommendation from the county
- 16 executive. The county fiscal body shall provide for the
- 17 distribution of part or all of the money received under this
- 18 clause to the following under a formula established by the
- 19 county fiscal body:
- 20 (i) A town having a population of more than two thousand
- 21 two hundred (2,200) but less than three thousand five
- 22 hundred (3,500) located in a county having a population of
- 23 more than nineteen thousand three hundred (19,300) but less
- 24 than twenty thousand (20,000).
- 25 (ii) A town having a population of more than three thousand
- 26 five hundred (3,500) located in a county having a population
- 27 of more than nineteen thousand three hundred (19,300) but
- 28 less than twenty thousand (20,000).
- 29 (c) For each city and county receiving money under subsection
- 30 (a)(2)(A) or (a)(2)(C), the treasurer of state shall determine the total
- 31 amount of money paid by the treasurer of state to the city or county
- 32 during the state fiscal year 2002. The amount determined is the base
- 33 year revenue for the city or county. The treasurer of state shall certify
- 34 the base year revenue determined under this subsection to the city or
- 35 county. ~~The total amount of money distributed to a city or county under~~
- 36 ~~this section during a state fiscal year may not exceed the entity's base~~
- 37 ~~year revenue.~~ For each state fiscal year beginning after June 30, 2002,
- 38 ~~the treasurer of state city or county shall pay use~~ that part of the
- 39 riverboat wagering taxes that
- 40 ~~(1) exceeds a particular city or county's base year revenue and~~
- 41 ~~(2) would otherwise be due to the city or county under this~~
- 42 ~~section;~~
- 43 ~~to the property tax replacement fund instead of to the city or county.~~
- 44 **only for any combination of the following:**
- 45 **(1) To replace revenue lost from the granting of additional**
- 46 **property tax replacement credits by the city or county.**
- 47 **(2) For redevelopment projects.**

**(3) For economic development projects.**

(d) Each state fiscal year the treasurer of state shall transfer from the tax revenue remitted to the property tax replacement fund under subsection (a)(3) to the build Indiana fund an amount that when added to the following may not exceed two hundred fifty million dollars (\$250,000,000):

(1) Surplus lottery revenues under IC 4-30-17-3.

(2) Surplus revenue from the charity gaming enforcement fund under IC 4-32-10-6.

(3) Tax revenue from pari-mutuel wagering under IC 4-31-9-3.

The treasurer of state shall make transfers on a monthly basis as needed to meet the obligations of the build Indiana fund. If in any state fiscal year insufficient money is transferred to the property tax replacement fund under subsection (a)(3) to comply with this subsection, the treasurer of state shall reduce the amount transferred to the build Indiana fund to the amount available in the property tax replacement fund from the transfers under subsection (a)(3) for the state fiscal year.

(e) Before August 15 of 2003 and each year thereafter, the treasurer of state shall distribute the wagering taxes set aside for revenue sharing under subsection (a)(1) to the county treasurer of each county that does not have a riverboat according to the ratio that the county's population bears to the total population of the counties that do not have a riverboat. Except as provided in subsection (h), the county auditor shall distribute the money received by the county under this subsection as follows:

(1) To each city located in the county according to the ratio the city's population bears to the total population of the county.

(2) To each town located in the county according to the ratio the town's population bears to the total population of the county.

(3) After the distributions required in subdivisions (1) and (2) are made, the remainder shall be retained by the county.

(f) Money received by a city, town, or county under subsection (e) or (h) may be used for any of the following purposes:

(1) To reduce the property tax levy of the city, town, or county for a particular year (a property tax reduction under this subdivision does not reduce the maximum levy of the city, town, or county under IC 6-1.1-18.5);

(2) For deposit in a special fund or allocation fund created under IC 8-22-3.5, IC 36-7-14, IC 36-7-14.5, IC 36-7-15.1, and IC 36-7-30 to provide funding for additional credits for property tax replacement in property tax increment allocation areas or debt repayment.

(3) To fund sewer and water projects, including storm water management projects.

(4) For police and fire pensions.

(5) To carry out any governmental purpose for which the money is appropriated by the fiscal body of the city, town, or county.

Money used under this subdivision does not reduce the property

1 tax levy of the city, town, or county for a particular year or reduce  
 2 the maximum levy of the city, town, or county under  
 3 IC 6-1.1-18.5.

4 (g) This subsection does not apply to an entity receiving money  
 5 under IC 4-33-12-6(c). Before September 15 of 2003 and each year  
 6 thereafter, the treasurer of state shall determine the total amount of  
 7 money distributed to an entity under IC 4-33-12-6 during the preceding  
 8 state fiscal year. If the treasurer of state determines that the total amount  
 9 of money distributed to an entity under IC 4-33-12-6 during the  
 10 preceding state fiscal year was less than the entity's base year revenue  
 11 (as determined under IC 4-33-12-6), the treasurer of state shall make a  
 12 supplemental distribution to the entity from taxes collected under this  
 13 chapter and deposited into the property tax replacement fund. The  
 14 amount of the supplemental distribution is equal to the difference  
 15 between the entity's base year revenue (as determined under  
 16 IC 4-33-12-6) and the total amount of money distributed to the entity  
 17 during the preceding state fiscal year under IC 4-33-12-6.

18 (h) This subsection applies only to a county containing a  
 19 consolidated city. The county auditor shall distribute the money  
 20 received by the county under subsection (d) as follows:

21 (1) To each city, other than a consolidated city, located in the  
 22 county according to the ratio that the city's population bears to the  
 23 total population of the county.

24 (2) To each town located in the county according to the ratio that  
 25 the town's population bears to the total population of the county.

26 (3) After the distributions required in subdivisions (1) and (2) are  
 27 made, the remainder shall be paid in equal amounts to the  
 28 consolidated city and the county."

29 Renumber all SECTIONS consecutively.

(Reference is to HB 1695 as printed February 18, 2005.)

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Representative Pelath